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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/533,325	03/22/2000	Nimrod Megiddo	ARC920000009US1	7964
33360 7590 07/18/2007 MARK D. MCSWAIN IBM ALMADEN RESEARCH CENTER, IP LAW DEPT. 650 HARRY ROAD C4TA - J2 814 SAN JOSE, CA 95120			EXAMINER VIG, NARESH	
			ART UNIT 3629	PAPER NUMBER
			MAIL DATE 07/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/533,325	Applicant(s) MEGIDDO, NIMROD	
	Examiner Naresh Vig	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,9,10,12,13,15,16,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,9,10,12,13,15,16,21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is in reference to response received 26 April 2007. Claims 1, 4, 9-10, 12-13, 15-16 and 21-22 are pending for examination.

Response to Arguments

Applicant's arguments and concerns are for pending amended claims which have been responded in response to the pending claims.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 4, 9-10, 12-13, 15-16 and 21-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

For a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, the claimed invention manages contingent contracts by logging condition, potential response and milestone, retrieving information related to contingencies, notifies parties involved in the contract when the contingencies are met used in determining when the contingencies are satisfied for the contract to be complete. Applicant's claimed invention does not produce

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useful results because although claimed invention retrieves information related to each condition from an independent source, applicant has not positively claimed predetermining independent sources for each condition from whom the response received will be treated as a valid response for the condition.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 4, 9-10, 12-13, 15-16 and 21-22 are rejected under 35 U.S.C. 112, second paragraph, as being vague and indefinite. As currently claimed by the applicant, it is not clear what the applicant claiming as their invention because applicant has not positively claimed how the condition(s) is/are tied to the agreement for which conditions are being tracked. Applicant has not positively claimed that the condition(s) and milestones are logged with the capability to identify which agreement the condition(s) is/are belonging to.

Claim 4, 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being vague and indefinite. Applicant has not claimed the subject matter which applicant regards as the invention. Applicant recites the limitation "said retrieved information

includes a weather forecast". Applicant has not positively claimed limitation is tied to the claimed invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 9-10, 12-13 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mini et al. US Patent 6,684,196.

Regarding claims 1 and 16, Mini teaches commerce management method for automatically managing agreements including at least one or more contingency. Mini teaches:

logging at least one condition for an agreement (e.g. home inspection) [Mini, Fig. 18, 1822, and disclosure associated with Fig. 19] and identifying at least one potential response as indicating satisfaction of said at least one condition and milestone for each potential response (project management, customer accepting the results of home inspection) [Mini, Fig 20, 2008, and disclosure associated with Fig. 20];

retrieving information related to responses to each condition from predetermined independent sources [Mini, Fig. 18, 19, and disclosure associated with the Figures];

checking said retrieved information to determine whether said agreement is determinate (customer accepting the results of home inspection) [Mini, Fig 20, 2008, and disclosure associated with Fig. 20]; and

notifying contracting parties when said agreement is determined to be determinate (customer gets update on contingencies) [Mini, Fig 20, 2034, and disclosure associated with Fig. 20].

Regarding claim 12, as responded to earlier in response to claims 1 and 16, Mini teaches computerized commerce management. Mini teaches:

a plurality of remotely connected terminals, contracting parties entering information about contract conditions in said terminals;

a storage maintaining a contingency agreement database, said contingency agreement database including contracting party information and condition information on a plurality of agreements, said condition information including [Mini, Fig. 18-19 and disclosure associated with Fig. 18-19]:

potential response(s) satisfying each condition (acceptance of home inspection by buyer, buyer cancels the contract etc.), and milestone(s) for each said potential response (buyer proceeds with the purchase of the property, buyer cancels the contract as starts looking for another property); and

an automatic data retriever retrieving condition response information from predetermined independent sources via one or more remotely connected computers [Mini, Fig. 19, 1922, and disclosure associated with Fig. 19].

Regarding claim 9, Mini teaches capability of notifying the parties that the contract has failed when a response to a condition indicates said condition cannot be satisfied (customer not accepting the results of the home inspection). Mini teaches notifying e-mails are generated for involved parties [Mini Fig. 18 and disclosure associated with Fig. 18].

Regarding claim 10, Mini does not explicitly teach retrieved information to include mortgage rate. However, Mini teaches users can apply for loan. It is old and known to one of ordinary skill in the art that when a user applies for a loan, mortgage rates are presented to the user.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that Mini has capability for retrieving mortgage rates to help the user decide type of loan user may want to apply for.

Regarding claim 13, as responded to earlier, Mini teaches email capability for notifying users. Therefore, Mini teaches to have proper means for notifying contracting parties a corresponding agreement has failed when a response to a condition indicates said condition cannot be satisfied [Mini Fig. 18 and disclosure associated with Fig. 18].

Regarding claim 15, Mini does not explicitly teach retrieved information to include a mortgage rate. However, Mini teaches customers can apply for loans using their invention.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention that for processing loan mortgage rate is communicated to the borrower to comply with Truth in Lending requirements.

Claims 4 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mini et al. US Patent 6,684,196 in view of PointCast Incorporated.

Regarding claims 4, 21 and 22, Mini does not explicitly teach retrieved information to include weather forecast. However, Mini teaches capability to retrieve information. PointCast teaches retrieving weather forecast to display to user(s)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Mini as taught by PointCast to retrieve weather forecast and display to user to make the user interface more desired interface for the user.

Conclusion

Applicant is required under 37 CRF '1.111 (c) to consider the references fully when responding to this office action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on M-F 7:30 - 6:00 (Wednesday off).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Naresh Vig", with a stylized flourish at the end.

Naresh Vig
Examiner
Art Unit 3629

July 9, 2007